

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

EDMUND SMITH,

Defendant.

CASE NO. CR-0207-JCC

PROTECTIVE ORDER

This matter comes before the Court on the parties' stipulated motion for a discovery protective order (Dkt. No. 20). Finding good cause, the Court ENTERS the following order:

1. This Order governs all discovery material in any format (written or electronic) that is produced by the government in discovery in the above captioned case and is identified or marked as "Protected Material" or "LE Sensitive Material."

2. Possession of copies of Protected Material is limited to the defense attorneys of record, members of the defense team employed by the Office of the Federal Defender, and the following expert retained to assist the defense: Terry Lahman (collectively the "defense team").

3. The defense team may review Protected Material with the defendant but may not give a copy of any Protected Material to the defendant or any other party not a member of the defense team. The defendant and members of the defense team shall not disclose the content of any Protected Material to any person who is not a member of the defense team.

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1 4. The government will make LE Sensitive Material available to the defense team
2 for inspection and review at a government facility. Members of the defense team are not entitled
3 to have copies of LE Sensitive Material but may take notes during their review of this material.
4 Any such notes shall be treated as Protected Material and shall be subject to the restrictions
5 imposed on Protected Material by this Order. The defense team may discuss the content of any
6 LE Sensitive Material with the defendant. However, the defendant and members of the defense
7 team shall not disclose the content of any LE Sensitive Material to anyone who is not a member
8 of the defense team.

9 5. Nothing in this Order should be construed as imposing any discovery obligations
10 on the government or the defendant that are different from those imposed by case law, Rule 16 of
11 the Federal Rules of Criminal Procedure, and the Local Criminal Rules.

12 6. Any Protected Material or LE Sensitive Material, or information contained
13 therein, filed with the Court in connection with pre-trial motions, trial, sentencing, or other
14 matter before this Court, shall be filed under seal and shall remain sealed until otherwise ordered
15 by this Court. This does not entitle either party to seal their filings as a matter of course,
16 however. The parties are required to comply in all respects to the relevant local and federal rules
17 of criminal procedure pertaining to the sealing of court documents.

18 7. The provisions of this Order shall not terminate at the conclusion of this
19 prosecution.

20 8. Upon the termination of this case, any Protected Material (or copies thereof), or
21 information contained therein, in the possession of the defense team shall be destroyed or
22 returned to the United States.

23 9. Any violation of any term or condition of this Order by the defendant, his
24 attorney(s) of record, or any member of the defense team, is punishable by contempt of court,
25 and/or may be subject to monetary or other sanctions as deemed appropriate by this Court.

26 10. If the defendant violates any term or condition of this Order, the United States
reserves its right to seek a sentencing enhancement for obstruction of justice, or to file any
criminal charges relating to the defendant's violation.

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1 Presented By:

2 /s/ Matthew P. Hampton

MATTHEW P. HAMPTON

3 Assistant United States Attorney

4 /s/ Gregory T. Murphy

GREGORY T. MURPHY

5 Counsel for Edmund Smith

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7 DATED this 7th day of January 2018.

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11 John C. Coughenour
12 UNITED STATES DISTRICT JUDGE
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